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Human rights situations that require the Council's attention

Written statement* submitted by the European Centre for Law and Justice, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1802194

Please recycle

Requesting that the U.N. recognise ISIS atrocities against Christians and other religious and ethnic minorities as genocide and take immediate appropriate action

1. INTRODUCTION

In August of 2017, the ECLJ submitted its fourth written and oral testimony to this Council requesting that the United Nations (U.N.) declare that ISIS is committing genocide against Christians and other religious minorities and stand against the genocide by aiding and bringing justice to the victims.

Since then, significant work has been accomplished, including the Security Council's passage of Resolution 2379, which calls for the creation of an Investigative Team for the purpose of "collecting, preserving, and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity, and genocide committed by the terrorist group [ISIS] in Iraq"1. However, the U.N. has yet to declare these atrocities as genocide even while many international bodies have already done so.

The action we request today is two-fold. First, it is imperative for the U.N. to declare that the atrocities ISIS has been carrying out against Christians and other religious and ethnic minorities constitute genocide. Second, the U.N. must provide the assistance and security necessary to clean-up the destruction caused by ISIS's genocide and to allow for the lasting resettlement of the victims.

2. BACKGROUND

As the ECLJ has submitted before, the actions ISIS has been carrying out against Christians and other religious minorities in Iraq and Syria clearly embody the definition of genocide as enshrined in the Convention on the Prevention and Punishment of the Crime of Genocide2.

ISIS's notorious abuses have targeted religious minorities, including an estimated 200,000 Iraqi Christians in 20143. ISIS has expressed its specific intent to kill all Christians. In addition, ISIS has demanded that religious minorities pay a tax (called jizya) or flee — punishing by death those who fail to comply4. This purported offer to allow Christians to pay a jizya tax has been falsely interpreted by some to negate the genocidal intent displayed by ISIS. However, Al-Baghdadi has stated of Christians, "People of the Book . . . today are a people of war who qualify for no protection"5. Regardless, paying jizya or converting to Islam to avoid death are not meaningful alternatives to genocide.

1S.C. Res. 2379, ¶ 2 (21 Sept. 2017).

2Genocide is "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

> (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group."

Convention on the Prevention and Punishment of the Crime of Genocide, art. II, Dec. 9, 1948.

3Bureau of Democracy, H.R. and Lab., U.S. Dep't of State, Iraq 2014 International Religious Freedom Report 4 (2014).

4Bureau of Democracy, H.R. and Lab., U.S. Dep't of State, Syria 2014 International Religious Freedom Report 1 (2014).

5Alberto M. Fernandez, *The ISIS Caliphate and the Churches*, Memri.org (27 Aug. 2015), http://www.memri.org/report/en/.

As more ISIS-held regions are being liberated, evidence is revealing the undisputable genocidal acts by ISIS against religious minorities. The growing body of evidence demonstrates that the inhuman violence at issue is, in fact, genocide as defined by the Convention. The victims of ISIS's genocide deserve the recognition and protection of the international community, yet the world's premier international body has failed to recognise that they are indeed victims of genocide.

While ISIS continues to perpetrate genocidal crimes, it is losing ground in Iraq. However, continued conflict in the area poses a hindrance to the expeditious resettlement of Iraqi internally displaced persons (IDPs). Some Christians in Iraq have already begun returning home only to be forced to flee again. Thus, the international community must take intermediate measures to aid and protect them. We advocate for the prioritisation of international aid and assistance to create and maintain safe in-region relocation options. The creation of "safe zones" helps to ensure the safety and security of IDPs who, so far, have not been able to return home, IDPs who have returned home, or survivors who perhaps never left.

Iraqi Christians have already begun to return home to northern Iraq following the victory over Islamic State fighters, only to have to turn around and leave once again because of continued conflict in the area[6] or other reasons. The reports on the ground are bleak:

> "The reality is we cannot stay without the U.S. or the U.N. helping to protect Nineveh directly," Father Afram al-Khoury Benyamen told Fox News after Sunday mass recently at St. George Cathedral, a 133-year-old church. "With international protection maybe we can remain, but if it doesn't come soon . . . we go"[7].

"ISIS is not finished in Mosul and still they can come straight here," the priest said. "We expect more attacks. It is like staring into the darkness". He continued, "We are the original people, the indigenous people here in Iraq and the government should want us to stay. Instead there is nothing"[8]. And he explained the living conditions in his hometown this way: "The village is dirty and there is no electricity. No water coming, no markets. All of our people are thinking to immigrate and leave"[9].

Information we are receiving from those providing aid and recovery assistance confirms this reality and demonstrates that, in addition to safety and security concerns, and the need for basic necessities, IDPs seeking to return home are facing barriers that require access to legal assistance. For example, we are told that many IDPs need legal assistance in establishing their identities and obtaining new personal identification documents. Further, attention has been called to their need for help in obtaining documents helping them to prove ownership of their former residences, and in obtaining relief items from U.N. agencies. Clearly, these legal barriers must also be addressed when aiding IDPs in their efforts to return home.

3. REQUEST

Again, numerous international bodies have condemned ISIS's barbaric acts as acts of genocide. Several members of this Council, such as Germany, Belgium, France, Switzerland, Costa Rica, Liechtenstein, Ecuador, and The Netherlands, have also acknowledged that ISIS is committing genocide against religious minorities. While these nations stopped short of including Christians as victims of this genocide, the recognition of genocide itself is an important step that will help protect all victims.

6Perry Chiaramonte & Hollie McKay, *Iraqi Christians Forced to Flee Homes Again After Skirmishes Between Kurds and Central Government*, (24 Oct. 2017), http://www.foxnews.com/world/2017/10/24/iraqi-christians-forced-to-flee-homes-again-after-skirmishes-between-kurds-and-central-government.html.

7Hollie McKay, *Life after ISIS: Christians Say They Can't Go Home Without International Protection*, Fox News (5 Dec. 2017), http://www.foxnews.com/world/2017/12/05/life-after-isis-christians-say-cant-go-home-without-international-protection.html.

8*Id.*

9*Id.*

Still, the U.N. has not taken the critical step of acknowledging the ISIS genocide in Iraq and Syria. As one Christian survivor said of the U.N.'s inaction, "[N]o one cares about us like we are not human"10. We need action now.

While the ECLJ calls for swift and decisive action by the international community to address the genocide and protect its victims, it also understands that first the U.N. *must* recognize that the atrocities ISIS has been committing constitute genocide. A declaration by this Council that ISIS is engaged in genocide against Christians and other religious minorities and action by this Council calling for the U.N. Security Council (and other appropriate organs of the U.N.) to follow suit would carry significant weight.

The U.N. must stand against the evils of the ISIS genocide and use all available options by, as we are advocating, implementing appropriate penal tribunals, administering a more efficient delivery of aid, and providing meaningful in-region protection for victims such as the establishment of safe-zones.

The U.N. must defend the rights of all religious minorities, including the Christians in Iraq, Syria, and any other place where ISIS has been engaging in genocide – without delay. The very mission of this organisation requires nothing less.

4. CONCLUSION

Therefore, the ECLJ urges the U.N. to declare these atrocities as acts of genocide and to assist those seeking to return home and facilitate the ultimate and lasting resettlement of the victims of ISIS's atrocities, including those who survive the genocide.

10GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, KNIGHTS OF COLUMBUS AND IN DEFENSE OF CHRISTIANS (9 Mar. 2016), *available at* http://www.stopthechristiangenocide.org/en/resources/Genocide-report.pdf.

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Agenda item 6
Universal periodic review

Written statement* submitted by the European Centre for Law and Justice, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

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GE.18-02196(E)

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Please recycle

Requesting that the U.N. hold Pakistan accountable to international agreements it has signed to protect its minority citizens' lives and fundamental freedoms

1. INTRODUCTION

As the ECLJ has submitted before, the Islamic Republic of Pakistan is one of the worst violators of human rights. Mob violence, false accusations of blasphemy, rape of Christian and Hindu women, police torture, and other forms of persecution and discrimination are commonplace. The Pakistani government has failed to both protect its minorities from religiously-motivated violence and to bring perpetrators to justice.

Through its affiliate office in Pakistan, the ECLJ has firsthand knowledge of the plight of Christian and other minorities in Pakistan. The ECLJ's affiliate provides legal assistance to many of the victims of persecution.

2. BACKGROUND

Pakistan has continuously violated human rights by allowing terrorist attacks on Christians, maintaining broad and abusive blasphemy laws, and inadequately responding to crimes against Christians and other religious minorities.

Terrorist attacks on churches and Christian communities in Pakistan are routine. In December 2017 alone, the Christian community sustained multiple attacks. For example, Bethel Memorial Methodist Church in Quetta was attacked by gunmen and suicide bombers, killing at least eleven people and injuring over fifty others. A Christian neighbourhood in Chaman, Quetta, was attacked by a terrorist who used a hand grenade that killed three people, including a young boy.

The Pakistani government's response to such crimes has been to arrest Christian pastors for lacking the security measures required under the 2015 Punjab Security Ordinance. In February 2017, two pastors were arrested for lacking proper security. One pastor, Kashif Aziz, chose to pay a fine of 50,000 rupees instead of serving six months in prison1.

Even more disconcerting is the case of Noreen Leghari, who was planning to carry a bomb into a Lahore church, but was arrested before she was able to carry out that plan. Despite her confession of guilt, she was released and sent to a rehabilitation program instead of to prison2.

Such actions set a dangerous precedent by the Pakistani government for how it addresses attacks on Christian churches. By allowing terrorists to go unpunished, the Pakistani government is dismissing a major threat to Christians and reducing the terrorists' concerns of being caught planning and executing these attacks.

This lack of concern and injustice reaches to other areas, such as mob violence. For example, over a hundred people charged for arson, ransacking, and attacking members of Joseph Colony—a Christian neighbourhood in Lahore that was attacked after a blasphemy allegation against a Christian man—were acquitted in January 20173.

Due to the government's unwillingness to protect minorities, police often tell Christians threatened by mob violence to leave their homes instead of providing police protection. In November 2017, Christian families living in Sukheki village fled from their homes after someone posted threatening material on Facebook calling for the execution of Sonu Arshad,

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1Asif Aqeel, *Adding Insult to Injury - Pakistani Church Leaders Arrested, Fined for 'Not Putting Security in Place'*, WORLD WATCH MONITOR (22 Dec. 2017), https://www.worldwatchmonitor.org/2017/12/adding-insult-to-injury-pakistani-church-leaders-arrested-fined-for-not-putting-security-in-place/.

2*Pakistan Releases IS-Linked Woman Who Planned Easter Suicide Attack*, WORLD WATCH MONITOR (10 May 2017), https://www.worldwatchmonitor.org/coe/pakistan-releases-is-linked-woman-who-planned-easter-suicide-attack/.

3Asif Aqeel, *Pakistan Court Acquits All Suspects in 2013 Arson of Christian Neighborhood*, WORLD WATCH MONITOR (21 Jan. 2017), https://www.worldwatchmonitor.org/2017/01/pakistan-court-acquits-all-suspects-in-2013-arson-of-christian-neighbourhood/.

a young Christian who resided in Sukheki, and for the burning of Christian homes and churches. The Facebook post accused Sonu of "spreading false teachings"4. The police officer in charge of the situation urged Christian residents to temporarily leave the village for their own safety.

Not only do the police often act as uninterested bystanders, other times they are the aggressors. In October 2017, six policemen entered a school and beat a Christian student to death. Seventeen-year-old Arslan Masih got into an argument with some Muslim classmates, one of whom was directly related to one of the policemen. The policemen beat Arslan, dragged him out to the street, threw him into the police vehicle, and continued beating him. When Arslan became unresponsive, the police took him to a hospital where doctors pronounced him dead. The ECLJ's affiliate office is representing Arslan's family, seeking justice from the Pakistani courts. However, in cases of police torture, justice is rarely served.

For example, the ECLJ's affiliate represented the family of Liaqat Masih who was arrested and tortured to death by the local police after Liaqat's Muslim employer accused him of stealing. The police arrested Liaqat and his son. In order to obtain a confession from Liaqat, the police tied his hands behind his back and hoisted him toward the ceiling, dislocating his shoulders. His son pled for mercy but four policemen kept beating Liaqat with wooden logs until he died before his son's eyes. The policemen then threatened to also kill Liaqat's son if the family pursued any action against them. In fear, the family entered into a compromise agreement with the police, and the policemen were released.

In addition to police brutality and mob violence, horrific crimes against innocent young girls go unpunished because the criminals are Muslim and the victims are Christian. The ECLJ's affiliate is representing the mother of a three-year-old Christian girl, Sahiba, who was sexually assaulted by a Muslim man.

Just recently in January 2018, a thirteen-year-old Christian girl was raped in a rural area near Gujranwala5. This incident occurred during the wake of the entire nation mourning over the loss of a seven-year-old Muslim girl, Zainab, who was raped and murdered6. The Christian community cannot help but wonder if the government will respond the same way it did for Muslim Zainab and work swiftly to seek justice for the Christian girl7.

Persecution of religious minorities is not limited to illegal acts of mob violence, police torture, rape, and assault. It is also facilitated by the government-sanctioned blasphemy laws, under which thousands of innocent Pakistanis, including Christians, Hindus, Ahmadis, and even Muslims, have suffered. The laws are broad and easy to misuse. In fact, many blasphemy cases are a result of personal vendettas. Additionally, over one thousand cases have been registered since the laws were promulgated.8 Over forty people are on death row or serving life sentences for blasphemy.9

A Christian mother of five, Asia Bibi, is still on death row under false charges of blasphemy. Her only "crime" was to offer her co-workers water from her cup. Asia's coworkers told her that they could not drink water from the cup because Asia had made it ceremonially unclean by drinking from it. They asked her to convert to Islam to be cleansed, but Asia refused and affirmed her Christian faith. Asia was accused of blasphemy. A year later, she was convicted and sentenced to death. She has been on death row for over six years and in prison for almost eight10.

3. REQUEST

4Shaheryar Gill, *Christians Flee for Their Lives After Viral Facebook Post in Pakisatn Calls for Burning Christian Homes and Churches*, ACLJ (9 Nov. 2017), https://aclj.org/persecuted-church/christians-flee-for-their-lives-after-viral-facebook-post-in-pakistan-calls-for-burning-christian-homes-and-churches.

5Asif Aqeel, *Pakistani Christian Girl, 13, Raped by Fellow Worker in Field*, WORLD WATCH MONITOR (17 Jan. 2018), https://www.worldwatchmonitor.org/2018/01/pakistani-christian-girl-13-raped-fellow-worker-field/.

6*Id.*

7*Id.*

8Naila Inayat, *Pakistan Alarms U.S. With Harsh Blasphemy Laws Allowing Rise of Radical Islam*, THE WASHINGTON TIMES (16 Jan. 2018), https://www.washingtontimes.com/news/2018/jan/16/pakistans-islam-blasphemy-laws-hurt-us-relations/.

9*Id.*

10Shaheryar Gill, *Update on Ongoing Efforts for Christian Mom Asia Bibi's Release*, ACLJ (28 Mar. 2017), https://aclj.org/persecuted-church/update-on-ongoing-efforts-for-christian-mom-asia-bibis-release.

These are but a few of the instances of systematic and egregious religiously-motivated violence against Christian minorities. Christians view their government as unwilling to bring an end to the violent attacks and other forms of persecution they so frequently suffer.

The Pakistani government has the indispensable duty to protect its citizens, despite their religious beliefs. Pakistan is a party to a number of human rights treaties, including the International Covenant on Civil and Political Rights.11 In light of the legal obligation under its own constitution12 and the international agreements it has ratified, Pakistan is required to protect its religious minorities and their fundamental rights.

The ECLJ requests that the United Nations hold Pakistan to the standards by which it has agreed to abide. Pakistan must protect Christians and other religious minorities and bring the perpetrators of violence to justice.

11*Int'l Covenant on Civil and Political Rights*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, http://indicators.ohchr.org/ (last visited 24 Jan. 2018).

12Pakistan Const. art. 9 (providing the right to life and liberty); art. 19 (providing the right to expression); art. 20 (providing the right to religion).